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May 23, 1978

(303) 861-8130

Mr. Alvin E. Rickers
Executive Secretary
Utah Air Conservation Committee
150 West North Temple, Suite 426
P. O. Box 2500
Salt Lake City, Utah 84110

Re: Non-Attainment Designation - Uintah County

Dear Mr. Rickers:

On March 3, 1978, the EPA published final designations of all areas of the United States for purposes of meeting National Ambient Air Quality Standards. Included in that publication was the designation of the southern half of Uintah County as a non-attainment area for oxidants. By reason of the non-attainment designation, it is clear that no major development of that region can take place and that the extensive natural resources programs of that area and the proposed power plant sitings, cannot proceed.

Our client, Tosco Corporation, is the owner of 19,000 plus acres of state oil shale leases (including the Sand Wash Unit) in the designated non-attainment area and has carried out exploration and development activity on those leases since 1973. A portion of the field work conducted by Tosco Corporation has included air quality sampling on a limited and periodic basis. For your information a listing and description of oxidant sampling taken by Tosco Corporation on the Sand Wash Unit is contained in Attachment 1 to this letter.

We believe that the non-attainment designation described above is in error for at least two reasons:

First, the area included in the designation is very large and likely contains varying air quality conditions at widely separated locations. We are unaware of any measurements at the Sand Wash Unit location which would indicate violations of the national ambient standard. We would be most interested in any factually documented basis upon which the designation was based.

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Second, in July 1977 the EPA announced its rural oxidant policy which stated that measurements of oxidant violations on Oil Shale Tracts U-a and U-b were not considered violations of national ambient standards and purported to exempt the rural oil shale areas from oxidant non-attainment status. The designation of the southern half of Uintah County is in direct contradiction to this policy.

For the reasons stated, it is strongly urged that the State of Utah initiate a change (for EPA concurrence) to remove the non-attainment designation for the southern half of Uintah County, Utah, in accord with 40 CFR 81.300 which provides for revision whenever sufficient data becomes available to warrant a redesignation.

If you have any questions concerning the matters herein please call me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'HMS', with a stylized flourish at the end.

H. Michael Spence

HMS:sw
Enclosure
cc: Mr. R. Glenn Vawter

ATTACHMENT 1

SAND WASH OXIDANT LEVELS

Ambient levels of total oxidant have been measured at the Sand Wash shale tract in Uintah County, Utah for a total of five time periods on three different days during 1977-1978. Oxidant determinations were conducted by the approved NBKI methodology during both morning and afternoon occasions. Afternoon levels of oxidant were generally higher than the morning concentrations, but have not exceeded the Federal Ambient Air Quality standard of 80 ppbv. Determination dates, times and levels of total oxidant found are presented herein.

<u>Date</u>	<u>Time (MST)</u>	<u>Oxidant Concentration</u>
May 11, 1977	1015-1400 hours	28 ppbv
May 11, 1977	1420-1620 hours	53 ppbv
May 12, 1977	0830-1340 hours	12 ppbv
February 23, 1978	1300-1430 hours	62 ppbv
February 23, 1978	1430-1530 hours	74 ppbv

All measurements were taken on Township 9 South, Range 21 East, S.L.M. Uintah County, Utah.